

REMARKS

Claim 1 has been amended to more positively recite that the cover layer has a softening point lower than the base layer. Claims 17-33 have been canceled. Upon entry of this Amendment, which is respectfully requested, Claims 1-16 will be pending.

Response to Claim Rejections Under § 102

Claims 1, 2, 3, 6, 7 and 8 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,102,716 to Balmer et al. Applicants respectfully traverse.

The present claims relate to a floor covering of a multilayer plastic web or sheet having a three-dimensional optical appearance, comprising a base layer that is surface embossed on one side and a transparent cover layer based on PVC, arranged on the embossed surface of the base layer, such that the embossed structure is transferred from the base layer in the underside of the cover layer, but not in the surface of the cover layer facing away from the embossed base layer, wherein the transparent cover layer has a softening point lower than the base layer.

Balmer fails to disclose or suggest that the transparent cover layer has a softening point lower than the base layer.

Thus, Balmer fails to anticipate or render obvious the present claims. Accordingly, withdrawal of the rejection is respectfully requested.

Response to Claim Rejections Under § 103

A. Claims 17, 22, 24, 27 and 29 are rejected under 35 U.S.C. § 102(b) as being unpatentable over Balmer in view of either U.S. Patent No. 3,126,307 to Drittenbass or JP 05-104899.

Without conceding the merits of the rejection, Claims 17, 22, 24, 27 and 29 have been canceled. Accordingly withdrawal of the rejection is respectfully requested.

B. Claims 4, 5 and 9-16 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Balmer et al in view of either U.S. Patent No. 4,409,280 to Wiley et al or U.S. Patent No. 5,773,127 to Martin et al. Applicants respectfully traverse.

Claims 4, 5 and 9-16 are patentable at least by virtue of their dependence from Claim 1. Accordingly, withdrawal of the rejection is respectfully requested.

C. Claims 18-21, 23, 24, 26, 28 and 30-33 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Balmer in view of either Drittenbass or JP 05-104899, and further in view of either Wiley or Martin et al.

Without conceding the merits of the rejection, Claims 18-21, 23, 24, 26, 28 and 30-33 have been canceled. Accordingly, withdrawal of the rejection is respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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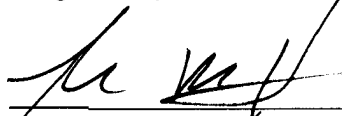
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Respectfully submitted,



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